

State Representative • 24th Assembly District

Assembly Bill 809 Testimony before the Assembly Committee on Children and Families February 21, 2008

Relating to the consequences for failure to act within a time period specified in the Children's Code or the Juvenile Justice Code, extension of certain time periods specified in the Children's Code, and informal dispositions under the Children's Code.

Thank you Chairwoman Owens and fellow members of the Children and Families Committee for hearing Assembly Bill 809 today. I'm joined here today by Rep. Tamara Grigsby and Katie Plona, Legislative Liaison for the Department of Health and Family Services (DHFS).

I/we have brought this bill forward to make some critical changes to how child welfare is administered, particularly in Milwaukee. As co-chair of the Joint Legislative Audit Committee (JLAC) and as a member of the Milwaukee Partnership Council, I have become all too familiar with the problems that the Bureau of Milwaukee Child Welfare is experiencing in administering child welfare services.

During the JLAC's numerous hearings on Audit Report 06-1 & 06-2, which described how the state is managing child welfare in Milwaukee, we continually asked the Department to describe what they were doing to implement audit recommendations. We were especially concerned in light of several infant and small child deaths that have been reported in the media, I am pleased to be here today to ask for your support to help the Department make two changes that will make a difference in the department's ability to protect children in Milwaukee.

Although I keep referring to the impact on Milwaukee, this legislation will impact the entire state. I'll ask the Department to go into more detail about this bill, but in general terms, this legislation seeks to:

- Change the CHIPS filing process to make it clearer and allow adequate time to file a
 petition; and
- Strengthen the informal disposition statute.

Safety of children should always be our top priority and this bill is a step in that direction.

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Thank you again for hearing this bill and I encourage your support for Assembly Bill 809 as it makes its way through this committee and again when it comes for a vote before the full Assembly.



Tamara GRIGSBY

Wisconsin State Representative 18th Assembly District

Testimony Before the Assembly Committee on Children and Family Law February 21, 2008 Assembly Bill 809

I want to thank Chairwoman Owens for scheduling Assembly Bill 809 for a public hearing on such short notice. As a member of the Milwaukee Child Welfare Partnership Council I am grateful to the Department of Health and Family Services for their work on this bill in addressing these issues to provide more protection for children in vulnerable situations.

As you may know, the Bureau of Milwaukee Child Welfare experienced two child deaths last year. In light of those tragedies, the Department of Health and Family Services undertook an extensive review of the Bureau to determine how these tragedies occurred and how to improve practice within BMCW and with our partners in the child welfare system.

In one of the cases, the family was receiving services under the Safety Services program which is the Bureau of Milwaukee Child Welfare's in-home service program that the family agrees to participate in without involving the court. Unfortunately, the family was not cooperating to the extent needed to ensure the safety of a pre-mature infant, who later died as a result of parental neglect.

Assembly Bill 809 allows for informal dispositions, which are a very structured way to implement an in-home safety plan for a child that will control for impending threats to a child's safety. AB 809 will make informal dispositions easier to use to protect children and at the same time keep them in their homes.

Additionally, AB 809 clarifies the child abuse and neglect determination and the intake inquiry decision timelines. It also amends Chapters 48 to provide that the court may allow a CHIPS petition to be filed after the filing time limit if the court finds that good cause exists. This will prevent courts from losing jurisdiction of a case and leaving agencies unable to protect a child because of a technical error or omission.

I thank the committee for your time and consideration of this matter. I am happy to answer any questions Committee members may have.

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Relating to the consequences for failure to act within a time period specified in the Children's Code or the Juvenile Justice Code, extension of certain time periods specified in the Children's Code, and informal dispositions under the Children's Code.

Dear Chairperson Owens and the members of the Children and Families Committee,

Thank you for agreeing to hold this public hearing on Assembly Bill 809 today. I am sorry I could not be there in-person. Regardless, I wanted you all to know the bill before you has my support.

Several weeks ago, I met with Secretary Reggie Bicha and during that interaction, he mentioned a desire to move this legislation forward. He asked me as a member of the Partnership Council in Milwaukee to support and sponsor the bill. I believe the bill that came out of drafting has merit and therefore, I agreed to co-sponsor the bill(s).

Assembly Bill 809 will:

- Change the CHIPS filing process to make it clearer and allow adequate time to file a
 petition; and
- Strengthen the informal disposition statute.

The end result will be more options for child welfare workers and hopefully, stronger, and safer situations for children.

Thank you again for hearing this bill and I encourage your support for Assembly Bill 809 as it makes its way through this committee and again when it comes for a vote before the full Assembly.

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State of Wisconsin

Department of Health and Family Services

Jim Doyle, Governor Kevin R. Hayden, Secretary

February 21, 2008

TO:

Assembly Committee on Children and Family Law

FROM:

Katie Plona, DHFS Legislative Liaison

RE:

Assembly Bill 809

Good morning. I'm Katie Plona, legislative liaison for the Department of Health and Family Services.

Representative Owens and committee members, thank you for the opportunity to testify in favor of Assembly Bill 809. Thank you also to Representatives Jeskewitz and Grigsby for working with DHFS to author this bill.

AB 809 addresses two issues that hinder the efforts of child welfare agencies, attorneys, and courts to keep children safe. The first issue is modifying the informal disposition statute and the second issue is lining up the various timelines for when action must be taken in children in need of protection or services (CHIPS) cases.

Informal Dispositions

DHFS initiated the proposed changes to the informal disposition statute as part of its Milwaukee Safety Plan. As part of that plan, DHFS worked with legal and judicial stakeholders, including the Milwaukee Children's Court and the Milwaukee District Attorney's staff. Together, we developed criteria and a process to use informal disposition agreements to implement in-home safety plans to control potential impending danger threats to a child's safety.

AB 809 makes the following changes to the informal disposition statute:

- Clarifies that a child 12 years or older must consent to an informal disposition and that a parent can consent on behalf of a child younger than 12 years old.
- Allows the use of information that underlies the jurisdictional grounds of the informal disposition at the point an intake worker determines that the informal disposition is failing, even if it exceeds 40 days from the date of referral.
- Allows use of a parent's statement at the intake inquiry to support the filing of a CHIPS petition in the event that the District Attorney or the Corporation Counsel overrules the informal disposition and files a CHIPS petition.
- Clarifies the process for referring a cancelled informal disposition to the District Attorney or Corporation Counsel and the timeframes within which a CHIPS petition must be filed.
- Clarifies that the word "residential" refers to all out of home placements.
- Clarifies the deadline to file a CHIPS petition with regard to an intake worker's request of legal counsel for a CHIPS filing.

CHIPS Filing Deadline

Current law allows 60 days for a child abuse or neglect investigation and 40 days for a court intake worker to request that a CHIPS petition be filed, enter into an informal disposition or close the case. Several years ago, a court decision interpreted the statute to mean that the 60 days and 40 days ran <u>concurrently</u>. This varied from how the Department had always interpreted the statute and how many counties practiced, which was that the timelines ran consecutively. As a result of the court's decision, the county lost jurisdiction in that CHIPS case. AB 809 clarifies in

statute that the deadline to request a CHIPS petition must be filed within 60 days of the referral and specifies that the 60 days for the child abuse and neglect investigation and the 60 days to request a CHIPS petition are the same 60 days. This clarifies that the determination about whether a child was abused or neglected will inform the decision about whether to file a CHIPS position, enter into an informal disposition with the family or end the case.

The final change is that Chapter 48, the Children's Code, and Chapter 938, the Juvenile Justice Code, are being amended to give the court discretion to expand the 60-day deadline, thereby preserving the court's jurisdiction, if good cause exists.

Thank you again for the opportunity to testify in favor of AB 809, and thank you again to the bill's authors. I am available to answer any questions you may have about the bill.